

### REMARKS

In this Amendment, Applicant has amended Claims 21 – 25, 27 – 30, 32 – 36, 40 – 41, 43 – 46, and 50 – 53. Claims 21, 40, 46 and 50 have been amended to overcome the rejections and further specify the embodiments of the present invention. Claims 22 – 25, 27 – 30, 32 – 36, 41, 43 – 45, and 51 – 53 have been amended to use consistence terms. The support for the amendments to the claims can be found throughout the specification. It is respectfully submitted that no new matter has been introduced by the amended claims. All claims are now present for examination and favorable reconsideration is respectfully requested in view of the preceding amendments and the following comments.

#### REJECTIONS UNDER 35 U.S.C. § 102:

Claims 21 – 22, 35, 37 – 38, 41 – 42, 46 and 50 – 54 have been rejected under 35 U.S.C. § 102 (e) as allegedly being anticipated by Hoggarth (US 6,654,044), hereinafter Hoggarth.

Applicant traverses the rejection and respectfully submits that the present-claimed invention is not anticipated by the cited reference. The rejection overlooks the failure of Hoggarth to disclose a low profile control device (which includes body 62) having a profile which is sufficiently low to enable it to be accommodated in the thickness of a base portion of a clamshell design laptop computer. Rather, it is necessary to dismount the joystick 62 after use (column 3 line 26).

In addition, the rejection is now moot because Claim 21 has been limited to the feature of an upwardly-facing control platform which, as acknowledged in lines 3 and 4 of numbered paragraph 6 of the Office Action, is novel over Hoggarth. In order to further clarify the distinction over the prior art, Claim 21 has been amended to specify that the spaced-apart fingertips are of one hand.

It is respectfully submitted that the rejection of Claim 46 is mistaken because Hoggarth fails to disclose the feature that the travel of the control member is imperceptible to the user in the x and y directions. Furthermore, Claim 46 has been amended to specify that the control member is an upwardly-facing control platform which the Examiner has acknowledged as novel.

It is respectfully submitted that the rejection of Claim 50 over Hoggarth is also incorrect because the joystick of Hoggarth is not a "low profile control device" as required by line 2 of sub-paragraph a). In addition, it is clear that Hoggarth does not teach or suggest the features as amended. Therefore, Hoggarth does not anticipate Claims 21 – 22, 35, 37 – 38, 41 – 42, 46 and 50 – 54.

In summary, the newly presented claims are not anticipated by Hoggarth and the rejection under 35 U.S.C. § 102 (e) has been overcome. Accordingly, withdrawal of the rejection under 35 U.S.C. § 102 (e) is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103:

Claims 29 – 34, 45 and 48 have been rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Hoggarth. Claims 26 – 28, 39 – 40, 44 and 49 have been rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Hoggarth in view of Klein (US 6,205,021) hereinafter Klein. Claims 23 – 25 and 43 have been rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Hoggarth in view of Gervais (US 5,508,719) hereinafter Gervais.

Applicant traverses the rejection and respectfully submits that the embodiments of present-claimed invention are not obvious over Hoggarth or over Hoggarth in view of Klein or Gervais. As stated above, new features have been added in the amended claims. These features further distinguish the invention as claimed in Claim 21 from the combination of Hoggarth and Gervais, which discloses in Figure 2 an arrangement in which button 36 is operated by spaced-apart fingertips of two hands of a user. As is clear

from the final paragraph of column 9 of Gervais, it is an essential feature of that reference that the pointing device is mounted on a "forward facing surface of a keyboard to take advantage of the system operator's normal finger position when using the keyboard" whereas Claim 21 requires an upwardly-facing platform. Accordingly, it is submitted that Claim 21 and the claims dependent thereon are not rendered obvious by the combination of Hoggarth and Gervais.

Furthermore, Claim 46 is not rendered obvious by the combination of Hoggarth and Gervais because Gervais fails to disclose or suggest the feature that the control member is acted upon by at least two spaced-apart fingertips of one hand of a user.

The imperceptible travel and the combination of an upwardly-facing control platform with operation by spaced-apart fingertips of one hand of a user enables the device to be operated with the fingers disposed in the same or a similar manner as when using a desktop mouse and enables the advantages of a conventional mouse (namely precise and intuitive cursor control) to be achieved without the attendant disadvantages (namely the requirement for a large work surface over which to move the mouse and a cable or other connection). This advantageous combination is neither disclosed nor suggested in either Hoggarth or Gervais whether considered singly or in combination.

Furthermore, Claim 50 is not rendered obvious by the combination of Hoggarth and Gervais because neither of these references, whether considered singly or in combination, suggest the advantageous combination of a low profile control device operated by at least two spaced-apart fingertips of one hand. This combination enables the user's fingertips and thumb tip to control the cursor position in a similar manner to the control applied via a conventional desktop mouse but without the attendant disadvantages, as noted above. Similar comments apply to the claims dependent upon Claim 50.

With regard to claim 48, Hoggarth fails to disclose or suggest an upwardly-facing control platform and fails to disclose or suggest mounting the control platform for limited

travel imperceptible to the user as required by sub-paragraph c). Furthermore Hoggarth fails to disclose or suggest a control device "having a profile which is sufficiently low to enable it to be accommodated in the thickness of a base portion of a clam shell design laptop computer" as required by the final two lines of this sub-paragraph. A joystick protruding from a base portion is clearly not accommodated in the thickness of the base portion as required by the claim. Claim 48 is not rendered obvious by the combination of Hoggarth and Gervais because Gervais also fails to remedy the deficiency in the teaching of Hoggarth, namely the upwardly-facing control platform. Furthermore, neither of these references, whether considered singly or in combination, disclose or suggest operation by at least two spaced-apart fingertips of one hand of a user of an upwardly-facing control platform mounted for limited travel imperceptible to the user. This combination achieves the advantages of a desktop mouse without the attendant disadvantages.

In response to the rejection in the Office Action, Claims 21 and 40, on which all the rejected claims depend, recite a low profile control device with an upwardly-facing control platform mounted for limited travel in the x and y directions. No such control platform is disclosed or suggested in Kline or in Hoggarth. The trackball 58 disclosed in Figure 4 of Kline would be expected to have unlimited angular travel. Accordingly, Claims 26 to 28, 39 to 40, 44 and 49 are non-obvious for at least the above reasons.

In response to the rejection in the numbered paragraph 6 of the Office Action, it is respectfully submitted that Gervais fails to disclose an upwardly-facing control platform as required by Claims 21 and 40 and thus does not remedy the deficiency in the teaching of Hoggarth. Accordingly, claims 23 to 25 and 43 are allowable for at least the same reasons as claims 21 and 40.

In response to the argument in the numbered paragraph 7 of the Office Action regarding the profile of the control device disclosed in Hoggarth, the Examiner is being inconsistent with the interpretation of Hoggarth put forward in the numbered paragraph 2 of the Office Action. If (as in the numbered paragraph 2) the joystick 60 is regarded as part of the control device, then the control device is not low profile and the requirements of Claim 21 are not met. If, on the other hand (as in numbered paragraph 7), the joystick

60 is disregarded and the member 50 is regarded as the control member, then there is no teaching or suggestion that this is capable of being acted upon in the x and y directions by at least two spaced-apart fingertips of one hand of a user. It is clear from Figure 2 that this member is much smaller than the keys 22, which are each operated by one fingertip. Thus, member 50 is simply too small to provide the functionality required by the claims.

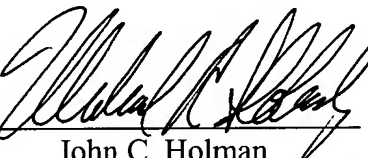
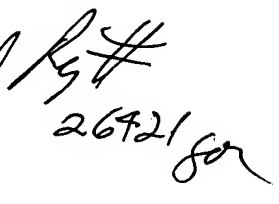
In summary, there is no motivation to modify Hoggarth or combine Hoggarth with Klein or Gervais. Even if they are combined, Hoggarth, Klein and Gervais will not render the present claimed invention obvious. One of ordinary skill in the art would not discern the present invention as claimed at the time of its invention.

Therefore, the newly presented claims are not obvious over Hoggarth in view of Klein or Gervais and the rejection under 35 U.S.C. § 103 has been overcome. Accordingly, withdrawal of the rejections under 35 U.S.C. § 103 is respectfully requested.

Having overcome all outstanding grounds of rejection, the application is now in condition for allowance, and prompt action toward that end is respectfully solicited.

Respectfully submitted,

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